IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH::
AT HYDERABAD

**WEDNESDAY, THE TWENTY THIRD DAY OF JANUARY,
TWO THOUSAND AND THIRTEEN**

PRESENT:

HON'BLE SRI JUSTICE N.R.L.NAGESWARA RAO

A.S.No.338 OF 1997

Between:

D.Sreedhara Sarma
and another

...
Appellants

And

Rayalaseema Grameea Bank,
Rep. by its Branch Manager,
Gajulapalli village, Nandyal Taluk,
Kurnool District and others

... Respondents

HON'BLE SRI JUSTICE N.R.L. NAGESWARA RAO

A.S.No.338 OF 1997

JUDGMENT:

Defendants 1 and 2 in O.S.No.7 of 1987, on the file of the Senior Civil Judge, Nandyal, are the appellants herein.

The suit was filed by the plaintiff alleging that there was some fraud and misappropriation with regard to the deposits made in the bank while the appellants and others were employed by the bank.

The suit O.S.No.7 of 1987 was filed with regard to the alleged fraud of deposit of Rs.50,000/- which was stated to have been entrusted to the appellants herein in collusion with the 5th defendant. The Court below has disbelieved the claim of the appellants and decreed the suit.

As against the said judgement, the 5th defendant has preferred A.S.No.1095 of 1997 in which these appellants are also added as respondents 2 and 3. This Court, by its judgment dated 01.08.2007 in the above judgment along with the connected suits of similar misappropriation by the employees, has confirmed the judgment in O.S.No.7 of 1987. Therefore, the appellants, being parties to the earlier judgment, cannot now afresh contest that the judgment is not binding. But, however, while passing the earlier judgment, Court has reduced the future interest and it was confined to 6% per annum on the principal amounts from the date of the decree till the date of realization. Since the judgment under appeal has already been confirmed by this Court in the earlier judgment and the appellants being parties to that are bound by the said judgment and decree, consequently the appeals fails, but,

however, they are entitled to the benefit of the rate of interest which was granted in A.S.No.1095 of 1997.

Accordingly, the appeal is disposed of. Miscellaneous petitions, if any, pending in this appeal shall stand closed. No costs.

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N.R.L. NAGESWARA RAO, J

23rd January, 2013
Lrkm/Srp